

SUMMARY ANALYSIS OF AMENDED BILL

Author: SR&T Committee Analyst: Victoria Favorito Bill Number: SB 1043
 Related Bills: See Prior Analysis Telephone: 845-3825 Amended Date: June 14, 2007
 Attorney: Pat Kusiak Sponsor: _____

SUBJECT: Confidentiality Of Settlement Negotiations

- ☒ DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced March 14, 2007.
- ☐ AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.
- ☐ AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.
- ☐ FURTHER AMENDMENTS NECESSARY.
- ☐ DEPARTMENT POSITION CHANGED TO _____.
- ☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS INTRODUCED MARCH 14, 2007, STILL APPLIES.
- ☐ OTHER – See comments below.

SUMMARY

This Franchise Tax Board (FTB) sponsored bill would exclude evidence of settlement negotiations with FTB in administrative civil tax dispute forums in California.

SUMMARY OF AMENDMENTS

The June 14, 2007, amendments eliminated unnecessary Revenue and Taxation Code references and replaced the phrase "settlement approved" with language to clarify that the bill's provisions would apply to all settlement negotiations commenced after the bill's date of enactment. As a result, the "This Bill" section has been revised.

The June 14, 2007, amendments do not impact the revenue estimates stated in the analysis of the bill as introduced January 19, 2007. The remainder of the department's analysis of the bill as introduced January 19, 2007, still applies.

POSITION

Support.

Board Position:

☒ S ☐ NA ☐ NP
☐ SA ☐ O ☐ NAR
☐ N ☐ OUA ☐ PENDING

Legislative Director

Date

Brian Putler

6/20/07

ANALYSIS

THIS BILL

This FTB-sponsored bill would add a specific provision to the Revenue and Taxation Code prohibiting the admissibility of either any settlement offers or any statements or conduct made in pursuit of settlement from being used as evidence in any subsequent adjudicative proceeding.

This bill would apply to settlement negotiations entered into on or after the date of enactment.

LEGISLATIVE STAFF CONTACT

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